

Chairperson and Committee members
REGULATORY MANAGEMENT COMMITTEE

28 AUGUST 2014

Meeting Status: **Public**

Purpose of Report: For Decision

REMOVAL OF THE DESIGNATION FOR THE WESTERN LINK ROAD FROM THE OPERATIVE DISTRICT PLAN

PURPOSE OF REPORT

- 1 This report seeks approval to remove the Western Link Road Designation from the Operative District Plan.

SIGNIFICANCE OF DECISION

- 2 This report does not trigger the Council's Significance Policy.

BACKGROUND

- 3 The Council has a Designation in the Operative District Plan for the construction and operation of the Western Link Road.
- 4 The Western Link Road Designation has been superseded by the MacKays to Peka Peka Expressway Designation held by the New Zealand Transport Agency (NZTA).
- 5 Physical works have commenced to construct the Mackays to Peka Peka Expressway and it is therefore an appropriate time for the Council to relinquish the designation it holds to construct the Western Link Road as the Council no longer intends to construct this road.
- 6 On 25 February 2010 the Council resolved:

That the Council agree to retain land purchased for the Western Link until the New Zealand Transport Agency confirms that it has secured the statutory consents and funding necessary for the construction of the Expressway, and at that time to sell the land on a pre-negotiated basis.

- 7 In June 2014 the Council resolved to sell all the land held for the Western Link Road to NZTA.

CONSIDERATIONS

Issues

- 8 The Western Link Road designation in the Operative District Plan is no longer required for a public work under section 167 of the Resource Management Act (RMA) and it is restricting the use of land. Therefore it is appropriate to also remove the Western Link Road Designation from the District Plan under section 182 of the RMA.
- 9 Section 182 outlines the process for removing the designation as follows:

- (1) *If a requiring authority no longer wants a designation or part of a designation, it shall give notice in the prescribed form to—*
 - (a) *the territorial authority concerned; and*
 - (b) *every person who is known by the requiring authority to be the owner or occupier of any land to which the designation relates; and*
 - (c) *every other person who, in the opinion of the requiring authority, is likely to be affected by the designation.*
 - (2) *As soon as reasonably practicable after receiving a notice under subsection (1), the territorial authority shall, without using the process in Schedule 1, amend its district plan accordingly.*
 - (3) *The provisions of Schedule 1 shall not apply to any removal of a designation or part of a designation under this section.*
 - (4) *This section shall apply, with all necessary modifications, to a notice by a territorial authority to withdraw its own designation or part of a designation within its own district.*
 - (5) *Notwithstanding subsections (2) to (4), where a territorial authority considers the effect of the removal of part of a designation on the remaining designation is more than minor, it may, within 20 working days of receipt of the notice under subsection (1), decline to remove that part of the designation.*
 - (6) *A requiring authority may object, under section 357, to any decision to decline removal of part of a designation under subsection (5).*
- 10 As there are no delegations to staff or a committee to remove a Council designation, a resolution from the Council is required to start this process.
 - 11 The designation is shown in both the Operative and Proposed District Plans. There is no need to remove from the Proposed Plan as this does not have any legal effect at this time and removal would have unnecessary costs. The designation will be removed as part of the Proposed District Plan process.
 - 12 There are no options for removal of the designation. There is some discretion relating to the method and timing of the designation ending.
 - 13 The options are to remove the designation or wait until October 2014 when the designation will lapse under section 184A of the RMA due to a lack of progress on undertaking any work to create the Western Link Road in the last 5 years or to remove the designation under section 182.
 - 14 Whichever method is chosen (lapsing or removal) the same notification and mapping process and associated costs are incurred.

Financial Considerations

- 15 The cost of removing the designation from the operative District Plan will be a few hours of staff time for GIS, planning and administration staff to create and distribute new District Plan maps and the cost of map printing. These costs should not exceed \$2000. This cost can be met from existing District Planning budgets.

Legal Considerations

- 16 The Council must legally relinquish the designation as it does not intend to construct the road. The Designation is currently restricting the ability of private landowners to use their land.

Delegation

- 17 The Regulatory Management Committee can make this decision as it relates to a change to the Operative District Plan under the following delegation.

7.19 Authority to exercise all of the Council's functions, powers, and duties under the Resource Management Act 1991, except under clause 17 of Schedule 1.

Consultation and Communications

- 18 There has been no consultation on this matter as it is a legal formality. There was extensive consultation at the time the designation was included in the Plan and there was a Board of Inquiry process for the new NZTA designation which replaces it. There is no need for public communications regarding the removal of the designation.

Policy Implications

- 19 There are no policy implications of taking this step in relation to the outdated Designation.

Tāngata Whenua and Other Considerations

- 20 There are no issues for iwi relating to this report and no other considerations.

RECOMMENDATIONS

- 21 That the Regulatory Management Committee approve the removal of the Western Link Road Designation from Part G and the relevant maps of the Operative Kapiti Coast District Council District Plan.

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